UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

     Plaintiff,   Case No. 23-cr-20394

v.

                                     Hon. Sean F. Cox
ISAAC YOUNG,   United States District Court Judge

     Defendant.

ORDER DENYING DEFENDANT'S MOTION TO DISMISS (ECF No. 26)

Defendant Isaac Young was indicted for possessing a firearm as a felon in violation of 18 U.S.C. § 922(g)(1) and he now moves the Court to dismiss that indictment. (ECF No. 36). Young argues that § 922(g)(1) is unconstitutional under the Second Amendment on its face and as applied to him. Young concedes that Sixth Circuit precedent forecloses his argument. *See, e.g.*, *United States v. Carey*, 602 F.3d 738, 741 (6th Cir. 2010). However, Young concludes that such precedents were implicitly overruled by *New York State Rifle & Pistol Association, Inc. v. Bruen*, 597 U.S. 1 (2022), and that § 922(g)(1) cannot now survive judicial scrutiny.[1]

Although the Sixth Circuit has not yet addressed the issue Young raises, this Court and several federal courts of appeals have held that *Bruen* did not abrogate pre-*Bruen* precedent holding that § 922(g)(1) is per se constitutional. *See, e.g.*, *United States v. Nelson*, 680 F. Supp. 3d 827, 832–35 (E.D. Mich. 2023); *United States v. Jackson*, 69 F.4th 495, 501–06 (8th Cir. 2023); *Vincent v. Garland*, 80 F.4th 1197 (10th Cir. 2023); *United States v. Gay*, 98 F.4th 843 (7th Cir. 2024); *United States v. Dubois*, 94 F.4th 1284, 1291–93 (11th Cir. 2024). Young fails to persuade the Court that it should depart from this conclusion.

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[1] Young's motion was fully briefed and the Court rules on it without oral argument.

IT IS HEREBY ORDERED that Young's "Motion to Dismiss" (ECF No. 26) is

DENIED.

IT IS SO ORDERED.

Dated: July 10, 2024   s/Sean F. Cox
                                               Sean F. Cox
                                               U. S. District Judge

I hereby certify that on July 10, 2024, the document above was served on counsel and/or the parties of record via electronic means and/or First Class Mail.

                                               s/J. McCoy
                                               Case Manager

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